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10 **UNITED STATES DISTRICT COURT**
11 **SOUTHERN DISTRICT OF CALIFORNIA**
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13 FAUSTINO MENDOZA,

14 Plaintiff,

15
16 v.

17 UNITED STATES OF AMERICA, et
18 al.,

19 Defendants.
20

CASE No: 08-CV-0933 W (JMA)

**ORDER (1) TERMINATING
MOTION TO DISMISS [DOC. NO.
8], AND (2) GRANTING JOINT
MOTION TO CONTINUE
DEADLINE FOR FILING
RESPONSIVE PLEADING [DOC.
NO. 12]**

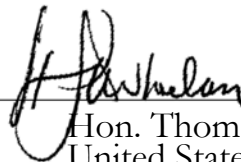
21 On May 27, 2008, Plaintiff Faustino Mendoza filed this action for relief under the
22 Administrative Procedures Act, 5 U.S.C. § 702. On July 28, 2008, Defendants responded
23 to the complaint by filing a motion to dismiss under Federal Rules of Civil Procedure
24 12(b)(1) and 12(b)(6). (Doc. No. 8.) On August 1, 2008, Plaintiff filed a first amended
25 complaint.

26 Based on the foregoing, on September 8, 2008, the parties filed a joint motion for
27 an extension of time to respond to the complaint. Defendants also withdrew their motion
28 to dismiss. Having reviewed the moving papers, and good cause appearing, the Court
GRANTS the joint motion to continue Defendants' deadline for filing a responsive

1 pleading (Doc. No. 12). Defendants' responsive pleading is due on or before **September**
2 **12, 2008**. Additionally, Defendants' motion to dismiss (Doc. No. 8) is **ORDERED**
3 terminated as moot.

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5 **IT IS SO ORDERED.**

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7 DATED: September 9, 2008

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10 Hon. Thomas J. Whelan
11 United States District Judge
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